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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In Re:	§	
	§	
ROBERT JORDAN CONSTRUCTION, LLC	§	Case No. 22-41804-elm7
	§	
Debtor.	§	Hearing Date: October 24, 2022
	§	Hearing Time: 9:30 A.M.
	§	

TRUSTEE'S MOTION TO SELL PROPERTY OF THE ESTATE

NOTICE TO ALL INTERESTED PARTIES:

A HEARING ON THE ABOVE REFERENCED MOTION IS SCHEDULED TO BE HELD BEFORE THE HONORABLE BANKRUPTCY JUDGE EDWARD L. MORRIS AT ROOM 204, U.S. COURTHOUSE, 501 W. TENTH STREET, FORT WORTH, TEXAS 76102 ON OCTOBER 24, 2022, AT 9:30 A.M. WHICH IS AT LEAST TWENTY-ONE (21) DAYS OR MORE FROM THE DATE OF SERVICE HEREOF.

ANY OBJECTION OR RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W. TENTH STREET, FORT WORTH, TX 76102, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY ON OR BEFORE OCTOBER 18, 2022, WHICH DATE IS AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF. IF AN OBJECTION OR RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING/RESPONDING PARTY.

IF NO OBJECTION OR RESPONSE IS TIMELY FILED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE EDWARD L. MORRIS, U.S. BANKRUPTCY JUDGE:

John Dee Spicer, the Chapter 7 Trustee (the “Trustee”), files this **Trustee’s Motion to Sell Property of the Estate** (the “Motion”) for entry of an order, substantially in the form of the proposed order attached hereto, and in support would respectfully show the Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter under 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(1) and (b)(2)(A) and (N). Authority to grant the relief requested is provided by 11 U.S.C. § 363 and Bankruptcy Rule 6004.

FACTUAL BACKGROUND

2. On August 9, 2022, Robert Jordan Construction, LLC (the “Debtor”) filed its chapter 7 bankruptcy case.

3. The Trustee is the duly appointed and acting Chapter 7 Trustee in this case.

4. The Debtor filed its bankruptcy schedules (the “Schedules”) on August 23, 2022 [Docket No. 16] and scheduled certain non-exempt personal property as described in Schedule B.22, Schedule B.39, Schedule B.40, Schedule B.47, and Schedule B.48 consisting of supplies; desk chairs and furniture; monitors; 1993 GMC C600 Top Kick LoPro; 2017 GMC Sierra (VIN # 1GD01REG2HZ219228) – Leased Vehicle from Ally Bank (the “Leased 2017 GMC”); 2018 GMC Sierra (VIN #1GTV2LEC5JZ126792 – Leased Vehicle from Ally Bank (the “Leased 2018 GMC”); and 16ft. Dump Trailer.

5. The Debtor scheduled unexpired leases with Ally Bank for the Leased 2017 GMC and the Leased 2018 GMC on its Schedules. The Trustee has been informed that the leases with

Ally Bank have an option to purchase¹. Contemporaneously with this Motion, the Trustee is filing a Motion to Assume Leases with Ally Bank for the leased vehicles.

6. The Trustee filed his *Trustee's Notice of Intent to Abandon Property* [Docket No. 20] (the "Notice") on August 24, 2022, seeking to abandon certain personal property, as defined in the Notice, left at the leased office spaced located at 2640 Corzine Drive, Arlington, Texas 76013. The objection deadline for the Notice passed as of September 7, 2022. As a result, the Trustee has filed his *Certificate of No Objections* [Docket No. 32] and uploaded the proposed order approving the Notice on September 8, 2022. Assuming the proposed order is approved by the Court, the remaining property (collectively, the "Property"), subject to this Motion, is as follows:

- a. 1993 GMC; VIN: 1GDE6H1P1PJ514521 (the "1993 GMC");
- b. 2017 GMC Sierra; VIN: 1GD01REG2HZ219228;
- c. 2018 GMC Sierra; VIN: 1GTV2LEC5JZ126792; and
- d. Misc. equipment and inventory.

7. The Trustee has possession of the title for the 1993 GMC, which reflects the owner as Gary Thomas Travis ("Travis"). However, the Debtor's managing member has informed the Trustee that the Debtor purchased the 1993 GMC from Travis.

RELIEF REQUESTED

8. On August 24, 2022, the Trustee filed his *Trustee's Application for Employment of Auctioneer* [Docket No. 19] to employ Rosen Systems, Inc. ("Rosen") to serve as his auctioneer for the purpose of selling the Property. The Order approving the employment of Rosen as the auctioneer for the Estate was entered on September 19, 2022.

¹ On information and belief, the Leased 2017 GMC has a debt of about \$16,286.00 and the Leased 2018 GMC has a debt of about \$15,399.36.

9. The Trustee desires to sell the Property, pursuant to 11 U.S.C. § 363(b), at an online auction to the highest bidder free and clear of liens, claims, and encumbrances, with all liens, claims, and encumbrances, if any, attaching to the proceeds of such sale.

10. The online auction is to be conducted by Rosen Systems, Inc. (www.rosensystems.com) with bidding to start on October 18, 2022, at 10:00 a.m. Bidding will have a rolling close on October 25, 2022, at 10:00 A.M., with one lot per minute closing until all lots are sold.

11. Minimum bid amounts of \$16,286.00 for the Leased 2017 GMC and \$15,399.36 for the Leased 2018 GMC will be required.

12. Inspection will take place by appointment on October 24, 2022 from 10:00 a.m. through 3:00 P.M. at 2323 Langford Street, Dallas, Texas 75208. **Sale of the Vehicles in the auction is as is, where is.**

WHEREFORE, PREMISES CONSIDERED, the Trustee requests that this Court enter an order authorizing the sale of the Property at auction to the highest bidder, free and clear of liens, claims, and encumbrances, with all liens claims, and encumbrances, if any, attaching to the proceeds of such sale pursuant to 11 U.S.C. § 363(f)(3). The Trustee further requests that this Court authorize the Trustee to sign any documentation and take all actions necessary to effectuate the auction and sale of the Property. The Trustee further requests that this Court allow waive the fourteen (14) day stay pursuant to Rule 6004(h) and authorize the sale effective immediately upon entry of an order approving this Motion.

Respectfully submitted,

/s/ Leah Duncan
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CERTIFICATE OF SERVICE

A separate Certificate of Service contemporaneously will be filed with this Motion.

CERTIFICATE OF CONFERENCE

I hereby certify that on September 27, 2022, I conferred with in-house counsel for Ally Bank, Angela Rapp-Williams, and she informed me that Ally is not opposed to the relief requested in this Motion.

/s/ Leah Duncan
Leah Duncan